

**902 KAR 30:210. Enhanced early intervention services in response to declared national or state public health emergency.**

RELATES TO: KRS 200.650 - 200.676, 34 C.F.R. Part 99, 34 C.F.R. Part 303, 45 C.F.R. Part 160, 20 U.S.C. 1431-1444

STATUTORY AUTHORITY: KRS 194A.050, 200.660

NECESSITY, FUNCTION, AND CONFORMITY: KRS 200.660 requires the Cabinet for Health and Family Services to administer all funds appropriated to implement provisions of KRS 200.650 through 200.676, to enter into contracts with service providers, and to promulgate administrative regulations. This administrative regulation establishes the provisions for providing tele-intervention services if a national or state public health emergency has been declared.

Section 1. Definitions. (1) "Declared national or state public health emergency" means a formal declaration by the President of the United States or the Governor of Kentucky of an extraordinary event that is determined to constitute a public health risk through the spread of disease.

(2) "Tele-intervention service" means early intervention services provided through the internet with both video and audio features and with the early intervention provider and family both present in real time.

Section 2. Enhanced Early Intervention Services in Response to a Declared National or State Public Health Emergency. (1) Early intervention services and requirements may be enhanced to allow for tele-intervention services if a national or state public health emergency has been declared.

(2) Early intervention services that are otherwise designated as face-to-face in accordance with 902 KAR 30:160 may be provided through tele-intervention with informed parental consent if:

(a) Informed parental consent is obtained verbally for the purposes of tele-intervention services;

(b) Written consent is received by the point of entry within ten (10) days of the verbal consent; and

(c) The date verbal consent is obtained is documented in the child's electronic record.

(3) Each provider utilizing tele-intervention services shall take all necessary steps to maintain confidentiality with 34 C.F.R. Part 99, 34 C.F.R. 303.402, and 45 C.F.R. Part 160.

(4) Tele-intervention services shall be reimbursed at the usual and customary rate as established in 902 KAR 30:200, Section 2.

(5) Tele-intervention services shall revert to face-to-face service delivery methods following the end of the declared national or state public health emergency. (47 Ky.R. 2220; 48 Ky.R. 60; eff. 7-21-2021.)